

## REMARKS

Claims 1-10 and 12-20 were pending and examined in the Office Action dated December 14, 2005. Claims 1-10 and 12-20 were rejected to in that Office Action. No claims have been added, modified or deleted by this Response. Applicant respectfully requests reconsideration of this application.

## REJECTIONS UNDER 35 U.S.C. § 102

Claims 8 and 9 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,434,139 to Liu. To establish an anticipation rejection, the Examiner must provide a single prior art reference that teaches each and every claim limitation of Applicant's claims – MPEP § 2131. Applicant respectfully submits that the Examiner has not carried that burden. Applicant notes that the Office has inconsistently applied the Liu '139 patent in each of the last three Office Actions. In the Office Action dated 6/18/04 the previous Examiner identified Applicant's "source interface" as element 34 (mobile switching center) of the Liu '139 patent, and in the Office Action dated 6/2/05 the Examiner identified Applicant's "source interface" as element 32 (base station) of the Liu '139 patent. Presently, element 22 (data network gateway) of the Liu '139 patent is identified as Applicant's "source interface." The Examiners have clearly been using impermissible hindsight to cobble together unsustainable rejections of Applicant's novel invention.

Regarding the missing features of claims 8 and 9, the Examiner has not identified any elements in the Liu '139 patent that correspond to the "source gateway" or the "destination gateway" as recited in Applicant's claims. Since Applicant's claims clearly distinguish these elements by routing the data from/to the interfaces through the gateways, the Examiner may not ignore or combine these distinct features when applying the Liu '139 patent in the context of an anticipation rejection. Moreover, the Examiner admits in the rejection of claim 1 that the Liu '139 patent does not teach a source gateway

as recited in Applicant's claims. Accordingly, Applicant respectfully submits that the rejection of Applicant's independent claims 8 and 9 under § 102(e) is improper and should be withdrawn. Also, dependent claims 10 and 12 are allowable as they depend from claim 9.

### REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-6, 10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu (U.S. Patent No. 6,434,139) in view of Ash (U.S. Patent No. 6,590,867). To establish a *prima facie* case of obviousness, the Examiner must provide one or more prior art references that teach or suggest each and every claim limitation of Applicant's claims – MPEP § 2142. Applicant respectfully submits, however, that the Examiner has not carried that burden. In addition, the Examiner must demonstrate some suggestion or motivation to modify the teachings of the Liu '139 patent with the teachings of the Ash '867 patent. The Examiner has made no such showing, merely stating that it "would have been obvious to one of ordinary skill in the art." Such conclusory statements are insufficient to carry the Office's burden under § 103.

Moreover there is nothing cited in the Office Action, nor has Applicant found, that the Ash '867 patent teaches "a source gateway adapted ... wherein the destination gateway ...". Applicant respectfully submits that the voice/IP gateways taught in the Ash '867 patent do not perform the function of the source gateway recited in Applicant's claim 1, and there is no recitation in the Ash '867 patent of a destination gateway. Accordingly, Applicant respectfully submits that the rejection of Applicant's independent claim 1 and dependent claims 2-6 under § 103 is improper and should be withdrawn. Also, dependent claims 7, 13 and 14 are allowable as they depend from claim 1.

Claims 15-20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Liu in view of Lim (U.S. Patent No. 6,697,355). The Examiner is again respectfully reminded that to maintain a rejection of obviousness, the Examiner must provide one or more prior art references that teach or suggest each and every claim limitation of Applicant's claims. Applicant respectfully submits, however, that the Examiner's statement that "Liu teaches as mentioned above all of the limitation[s] of claim 15" is insufficient to carry the burden. The Examiner has made no such showing regarding each and every limitation of claim 15 and makes no substantive contribution regarding independent claim 18 – this is not "examination" as contemplated by the U.S. patent laws and regulations.

Moreover, Applicant has herein shown the fallacy of the Examiner's application of the Liu `139 patent to Applicant's claims 1-14. Furthermore, the Examiner is using impermissible hindsight to combine the Lim `355 patent (which has nothing to do with VoIP) with the teachings of the Liu `139 patent. There is no indication that the bits and pieces that the Examiner attempts to extract from the Lim `355 patent will work with the Liu `139 patent to provide the recited structure and perform the functions claimed by Applicant. Such rejections as found on pages 6 and 7 of the present Office Action cannot be sustained on appeal. Accordingly, Applicant respectfully submits that the rejection of Applicant's independent claims 15 and 18 and their dependent claims 16-17 and 19-20 under § 103 is improper and must be withdrawn.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that presently pending claims 1-10 and 12-20 are in condition for allowance, and that the application should be passed to issue.

The Examiner is encouraged to contact the undersigned should there be any questions or resolvable matters regarding this application.

Respectfully submitted,

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